

**WORK SESSION OF THE TOWNSHIP COUNCIL**  
**TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY**  
**MAY 6, 2003**

The Work Session of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 8:04 P.M.

The Mayor read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meeting Act) had been met.

**1. CALL TO ORDER**

The Acting Township Clerk called the roll.

Present: Mayor Sumter, Deputy Mayor Grippo, Ms. Barrier, Mr. Chivukula, Ms. Eberle, Mr. Levine, Mr. McKenzie, Mr. Mettler

Absent: Mr. Mazzola

Also Present: Louis N. Rainone, Esq., Township Attorney, Marc D. Dashield, Assistant Township Manager/Acting Township Clerk,

**1. PUBLIC DISCUSSION**

Mayor Sumter recognized Deputy Mayor Grippo to make a statement prior to the public session. Deputy Mayor Grippo recognized a group of citizens from the Worlds Fair Drive community and offered a possible solution to the issue surrounding the development of a parcel of land which acts as a buffer between the houses on Crown Road and the development along Worlds Fair Drive. Deputy Mayor Grippo indicated that a larger buffer between the Worlds Fair Drive Development and Crown Road could be achieved by changing zoning certain parcels from CR to M-2. The M-2 zoning would require a 100' set back as opposed to the 25' under existing zoning; furthermore, zoning the parcel M-2 makes sense. Deputy Mayor Grippo asked the Township Manager to explain the process necessary to make this change. Township Manager Daly explained that the Council should table the M-2 Buffer ordinance and House of Worship Ordinance and requested that the Planning Board review possible zoning changes.

Motion was made by Deputy Mayor Grippo and seconded by Mr. McKenzie to open the meeting for public discussion; motion was carried unanimously.

Mayor Sumter asked that persons who desired to speak, give their names and addresses to the Acting Township Clerk.

Grace Evans, 38 Crown Road, Chairperson of Residents for Accountable Development, spoke regarding the changes which are occurring along Cedar Grove Lane. Mrs. Evans distributed green ribbons, symbolizing the group's desire to preserve open space.

Stephen Katz, 37 Crown Road, spoke concerning the pace of development in the Township and the problems created by rezoning areas that were designated residential in the 1999 Master Plan. Mr. Katz reminded Council that they were elected by the residents of Franklin Township whose interests should be served by the Council.

Jim Novotny, 30 Crown Road, noted that the Office of Pipeline Safety was shocked to learn from him that many Houses of Worship, a supermarket plaza, hundreds of acres of new homes, plus new businesses and many existing residences are planned or exist in the area of pipelines. Mr. Novotny urged the Council to leave Cedar Grove Lane and New Brunswick Road as open space and be frontrunners in the eventual changes in governmental regulations concerning pipeline safety.

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Brendan Kennedy, 11 Oxford Way, spoke regarding his concerns about a Shop-Rite, a CVS, a Bennigans and a bank opening on Cedar Grove Lane and producing greater traffic than is already experienced on that road. Mr. Keheny expressed his fears and those of his neighbors that the conditions produced by commercial buildings on Cedar Grove Lane will ruin their nice neighborhood.

Bill Borca, 16 Emerald Place, asked Council to use vision in making decisions regarding Cedar Grove Lane and New Brunswick Road; he does not want the end result of the vision to be another Easton Avenue or Route 27. Mr. Borca noted that according to the Master Plan, the location of Cedar Hill Properties, a commercial entity, is zoned residential and Mr. Borca seeks the history of how that change came about and what will happen when and if that property is sold.

Tessie Carrier, 5 Birch Terrace, questioned:

- a. The need for another shopping mall in the Township if there are currently twenty-four as listed on the Township website.
- b. How Franklin Township could accept Tree City USA award and then permit devastating cut down of trees especially along Davidson Avenue to build new homes.

Michael Orsini, 24 Nepote Place and Chair of the Shade Tree Commission, noted his dismay at the "Tree City" comment because his committee worked hard to achieve that distinction. Mr. Orsini stated that the Township is working with the developer, Pizzo & Pizzo, to replant the buffer at the development on Davidson Avenue. A project, Atrium South, was proposed for that area twenty-five years ago which would have created three million square feet of office space and would have generated 14,000-16,000 car trips a day. Mr. Orsini commended the Council that worked to rezone it as Senior Citizen Village, acquired part of the parcel as open space, required the developer to widen Davidson Avenue and incorporated the Bike Path which was in the Bikeway Master Plan.

John Costanza, 15 Westlake Court, thanked the Council for their support on the expansion of the Library and asked for support in the future. Mr. Costanza noted that because of the increased population in the Township and also because of the increased use of the Library with internet, etc., the Library building needs to be expanded.

Nola Cauley, 3 Barmouth Court, spoke regarding the buffer between residences and the soccer field at 13<sup>th</sup> Street. Ms. Callie noted that the Township put up snow fence to stop people from crossing over the residents' property to the soccer field and requested that bushes, not trees that take many years to grow, be planted as a buffer so that the residents will have some privacy and that a fence would be even better.

Linda Smith, 129 Wilson Road, Chairperson of Recreation Committee, reported that the residents who are interested in establishing a skate park in the Township are starting their fundraising. The Rotary Club has adopted the skate park as a project and is sponsoring the TexMex dinner at the Community/Senior Center on May 30, 2003.

Susan Vanderbeek, 22 Emerald Place, expressed her concern about the increased development in the surrounding area and her support of the residential designation for Cedar Grove Lane and New Brunswick Road.

John Grosso, 61 Hollywood Avenue, spoke about the proposed House of Worship ordinance and the 100' buffer requirement. Mr. Grosso noted that peoples' right to privacy should be considered and a 50' buffer of trees within the 100' buffer should be put in place.

With regard to the Library, Mr. Grosso noted that the expansion is costing \$6.4 million and the requested increase for an entrance should not be approved.

Barbara Jequette, 5 Townsend Court, works for Pulte Homes who is the developer who removed the trees on New Brunswick Road at the site that was shown on the website within the last week.

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### 2. REVIEW PREPARED AGENDA FOR MAY 13, 2003 REGULAR MEETING

Township Manager Daly indicated that a resolution for the school budget would be included the 5/13/03 Agenda

### 3. LEGISLATIVE BILL S 2093 – ALLOW MUNICIPALITIES TO CONSIDER OFF-SITE TRAFFIC IMPACTS DURING THE REVIEW OF DEVELOPMENT APPLICATIONS

Township Manager Daly explained that the Township's Planning Board under current state law can not consider the impact of off-site traffic created by development. Mr. Daly indicated the Senate bill S2093 has be proposed in the legislature to provide local planning boards to consider the impact of off-site traffic and asked council to pass a resolution in support of this bill during their May 13<sup>th</sup> meeting.

Council concurred with the recommendation of the Township Manager

### 4. REVIEW OF CAPITAL PROJECTS

Deferred

### 5. WATER SYSTEM EXTENSION

Township Manager Daly updated the Council on two major issues concerning the water system. First, the need for Council to make some policy decisions on the expansion of the water system and the new constraints on water system expansion being made by NJ Department of Environmental Protection (NJDEP).

Expansion of the Water System:

Township Manager Daly explained to Council that with the proposed major capital projects in Easton Farms and Franklin Park it will be necessary to determine now whether to expand the water system or risk disturbing newly paved streets. In addition, Mr. Daly briefed Council on the current concerns in Franklin Park concerning water quality as the result of a gas station spill. Mr. Daly indicated that these two issues make it necessary to address water expansion during upcoming capital budget meetings. Mr. Daly explained to Council that there will be two major factors that he would like Council to know about:

1. To consider the expansion of the water system the Township would have to look at an ordinance to require mandatory connection to the water system. This would be necessary otherwise the cost of the expansion would be borne by other ratepayers. Mr. Daly indicated that this issue would require additional discussion at a later date.
2. To consider the expansion the Township must deal with new requirement being imposed by NJDEP for water connection approvals which include:
  - a. The Township enter into a contract with New Brunswick for more water that would require the construction of new pump station.
  - b. A copy of our water contract with North Brunswick (This contract was approved by both North Brunswick and Franklin Township and is being held up by NJDEP.)

Mr. Daly also indicated that he was concerned that these conditions are unwritten rules being promulgated by NJDEP. Consequently, he was concerned that NJDEP might attempt to deny expansion of the Township's water system with additional unwritten rules.

### 6. LIBRARY EXPANSION

Township Manager presented to Council a spreadsheet outlining and summarizing the cost of the library project. Mr. Daly explained that the architect for the library had developed a cost and an

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independent construction estimator had developed a detailed cost. The spreadsheet given Council represents the reconciliation of costs between the two estimates. Mr. Daly reviewed the spreadsheet with Council.

- The construction cost estimator estimated the project as designed at \$7,142,000.00, approximately the same as the architect's estimate with more details
- Other additional costs including architect, estimator, furniture and other costs would make the total project cost \$8,596,759.00
- Total Revenues including bond Library's cash, grants, fundraising and other sources of revenues will equal \$6,834,509.00
- Revenues and Cost leaves the project with a deficit of \$1,762,250.00
- Agreed cost reductions: - \$1,363,250.00
  - Site/work/parking lot
  - Elimination of clerestory window
  - Moveable partition
  - Moveable addition (existing building)
  - Polycarbonate panels Vs Kalwall
  - Downgrade carpet to \$25/s.f
- Library Proposal to reduce cost: - \$426,570.00
  - Furniture \$350,000.00
  - Furniture Bidding \$60,000.00.
  - Donation of Gravel \$16,570.00

Mr. Daly commented that the furniture reduction is only feasible if the library uses the existing furniture or finds an alternative funding source to purchase furniture otherwise it will not defer the cost.

- Township Staff option to reduce cost - \$521,387.00
  - Soft cost savings \$85,776.00
  - Carpet downgrade \$29,880.00
  - Refurbish rather than replace exterior building \$328,651.00
  - Soft cost from refurbishing \$65,730.00
  - Eliminate curved elliptical ceiling \$11,350.00
- Total feasible reduction \$947,57.00

Township Manager Daly commented with all feasible reduction the project would have a deficit of \$415,293.00. Consequently, the major policy decision that Council has to make is to direct staff to bring the deficit to zero or Council believes it is necessary to add additional items back into the project. More particularly does Council want to take staff recommendations and refurbish the existing of building exterior or replace the exterior of the existing building as the building was originally designed.

Township Manager Daly asked Samuel Nelson from the Library to make a presentation for the Library Board. Mr. Nelson indicated the Township staff and the Library have worked cooperatively together to resolve all issue surrounding the Library expansion. Furthermore the agreed upon reduction would not impact the functions of the Library. However, the Library Board was not happy with leaving the exterior of the existing building the same. Mr. Nelson stressed to Council that once the restructuring of the exterior of the building is abandoned the building would remain in that condition for years. He also indicated that the Board does not want to come back to Council 15 to 20 years to ask to redo the exterior of the building to match the addition. Mr. Nelson reminded Council that the Library would serve the community for well pass the year 2020 and therefore now is the time to make a building whose design the entire community can be proud of for years to come.

The suggested cuts would not affect the integrity of the Library. The Library is willing to take on the responsibility of furnishing the building and accept most of the reductions. However, Mr. Nelson made an argument that it was important that the exterior of the building should be

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replaced rather than refurbished. Mr. Nelson asked Council to approve additional funding of \$815,000.00.

Mr. Nelson asked Council if they had any questions.

- Mr. Grippo - will the integrity of the building square footage six ect except for the exterior of the be effected.

Response : Yes, the reductions will not affect the function of the Library

Diana Herman from the Library Board indicated that the Library is designed to be the centerpiece of the municipal complex and the integrity of the building is both the inside and the design of the exterior of the building. Consequently, Ms. Herman strongly recommended that the Council allow the building's exterior to be built as designed.

Township Manager Daly asked Jim Petitt the Capital Projects Engineer to describe the differences in the outside design of the building under the refurbished scenario and the rebuild scenario. Mr. Petitt explained the rebuild scenario would result in the entire building exterior including the existing structure and the addition being one harmonious design. The refurbished scenario would mean the existing structure would clean up but essentially remain the same and the addition would have a different design. Jim Petitt describes it as not unlike adding an attached garage on an existing building.

Council had considerable debate on making the design harmonious.

Mayor Sumter inquired as to what action was needed from Council on this issue. Township Manager Daly suggested a straw poll of Council to provide staff with direction to make additional cuts or draft an ordinance to amend the current Library ordinance.

Deputy Mayor Grippo made a motion to take a straw poll to amend the bond ordinance for the Library in the amount of \$850,000.00. The Acting Township Clerk polled the Council on the motion. The straw poll was defeated when the first three members of Council called abstained from voting citing they need more information.

Councilwomen Barrier made a motion to take a straw poll to amend the Library bond ordinance in the amount of \$450,000.00. The Acting Township Clerk polled the Council on the motion. All members of Council voted in the affirmative with the exception of Councilwoman Eberle who abstained again citing the need for more information.

At the conclusion of the straw poll there was a consensus among Council that they were open to the possibility of funding the project at \$850,000.00 but not prepared to make that decision tonight. Furthermore, the Council indicated the ordinance should be prepared for \$450,000; Council may decide to amend that amount when the ordinance is introduced.

Upon a motion made by Deputy Mayor Grippo and seconded by Mr. McKenzie and unanimously agreed, the Work Session was adjourned at 11:15 P.M.

Respectfully submitted,

Marc D. Dashield  
Acting Township Clerk